

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTIAN FELLOWSHIP CENTERS
OF NEW YORK, INC.,

Plaintiff,

-against-

Civil Case No.: 8:19-cv-00191
LEK/DJS

VILLAGE OF CANTON, a New York
municipal corporation,

Defendant.

DECLARATION

GREGG T. JOHNSON, declares under the penalty of perjury, upon information and belief:

1. I am a member of *Johnson & Laws, LLC*, the law firm which represents the Village of Canton (hereinafter “Village” or Canton”) which has been named as a Defendant in the above-referenced action. As such, I am familiar with the procedural history of this case and certain publicly-available facts relevant to the instant action.

2. I offer this Declaration in opposition to the March 7, 2019 motion by the Plaintiff, (hereinafter “CFC”), seeking mandatory injunctive and declaratory relief before the Village has had an opportunity to be heard (by way of Answer or Rule 12 motion) or conduct any discovery in this action.

Canton and the Surrounding Communities

3. The Village of Canton, New York is a small rural community located in St. Lawrence County less than 25 miles from the Canadian border. The Village municipal offices are located in the same building as the Town of Canton at 60 Main Street, in the center of the Village. According to the current US Census data, the Village has 6,487 residents and with a per

capita income of \$19,104.¹ The Village is home to two colleges: St. Lawrence University (a private liberal arts college attended by 2,441+/- students (www.stlawu.edu/about-st-lawrence)) and SUNY Canton (a public university attended by 3,200+/- students) (www.canton.edu/about_canton/quick.html)).

CFC and its Church Network

4. According to CFC's website (www.cfconline.org) and their verified Complaint, CFC is a Christian church that began in upstate New York in 1973 and advertises locations in the following municipalities in upstate New York: Canton, Gouverneur & Richville (41 School Street, Richville, NY), Madrid (3663 CR 14, Madrid, NY) Moira (958 State Route 11, Moira, NY) and Potsdam (41 Main Street, Potsdam, NY).

5. As of March 9, 2019, the "Canton" page of CFC's website (Ex. "I") stated in part:

Weekly Services

- *Sundays at 10am.*
- *Come at 9:30 for coffee and fellowship!*
- *Location*
- *We are currently in the process of buying a new building.*
- *We are holding weekly Sunday services, but the location is subject to change each week.*
- *Please view the Facebook page for location details.*
(www.facebook.com/CFC-Canton-101355533623586).

About CFC Canton

- *Canton is the most recent CFC church plant, and we launched weekly services on May 1, 2016.*

6. As of March 9, 2019, CFC's public Canton FACEBOOK page (www.facebook.com/CFC-Canton-101355533623586) (Ex. J) identified the following locations and events:

- *January 20 ... For those who are able to join us, 10am at the Best Western to worship ...*

¹ www.census.gov/quickfacts/fact/table/cantonvillagenewyork,cantontownstlawrencecountynewyork/PST045218.

- January 19 ... For those who are able to join us, 10am at the Best Western to worship ...
- January 7 ... Prayer meeting tonight in Canton - 7pm at the First Baptist Church, 5 East Main Street ...
- December 29, 2018 ... As we wrap up 2018 and prepare for 2019, CFC Canton will be participating in a combined CFC service in Madrid, NY tomorrow morning. See you then! (10:15am at CFC Madrid.) ...
- December 22, 2018 ... Good evening... Service tomorrow morning is at 10am for fellowship, worship, and teaching... We have been meeting at the Best Western on Main Street, and they've been a blessing to us this season. We will be there again tomorrow morning and into January 2019. (Excepting next Sunday, 12/30. We'll post about that next week.) ...
- November 16, 2018 ... CFC Canton prayer meeting tonight!... 7pm at Grace Episcopal Church. 9 E Main St, Canton, NY 13617....
- November 10, 2018 · Tomorrow is going to be great... We will be at the Best Western, back in the room we've been in the past...
- November 3, 2018 · Hey CFC Canton! Tomorrow morning we will be at the Best Western still, but in a different part of the complex: we will be in the clubhouse. (On the right hand side when looking at the front of the building.) Service is 10am...

(www.facebook.com/CFC-Canton-101355533623586).

7. As of March 9, 2019, CFC's website described their Pastors' approach to weekly sermons as follows: *"Every Sunday, one of the pastors shares for about 35-40 minutes. Occasionally we'll have guest ministry from another pastor or missionary. The CFC pastors often preach in different CFC locations (especially during sermon series) so if you come to a specific location and don't get to meet or see the lead pastor, that's probably why!"* (www.cfconline.org/about) (Ex. "I").

8. As of March 9, 2019, CFC's website identified a single location for CFC, and invites the public to contact the CFC *"administrators... Monday-Friday, 9am-4pm ... Email: admin@cfconline.org... Phone: 315-262-0222...Mail: PO Box 5, Madrid, NY 13660"* (www.cfconline.org/contact) (Ex. "I").

9. As of March 18, 2019, CFC's website listed for each Sunday between March 2019 through May 2019: "*Sunday Services at Various Locations.*" (www.cfconline.org/contact) (Ex. "I").

10. As of March 9, 2019, CFC's website listed the following CFC locations - outside of Canton - where Pastor Jamie Sinclair, who was the "applicant" who appeared before the Village Planning Board Zoning Board of Appeals, apparently worshipped or lead a worship service: CFC Potsdam (2/24/19); CFC Potsdam (1/26/19) CFC Madrid (3/5/17) CFC Potsdam (1/28/17) (www.cfconline.org/contact) (Ex. "I").

11. As of March 9, 2019, the **Richville** page of CFC's website stated in part:

"CFC sent Pastor Ford Reynolds to lead a group to establish this church in 1992...In 2009, Pastor Mike Tomford was set in as the primary pastor at Richville... In the summer of 2018 the Richville and Gouverneur congregations started to have joint meetings...." (<https://www.cfconline.org/locations>) (Ex. "I").

12. As of March 9, 2019, the **Madrid** page of CFC's website stated in part:

"In 2001, Christian Fellowship Center purchased the "Old Elementary School" in Madrid, surrounded by 53 acres. Although the building hadn't been inhabited for a few years and was in need of much repair, it provided more than enough office and classroom space for the growing ministries of CFC: Christian Fellowship Academy, Upward Basketball, The Arts Program of Northern NY, the food pantry, the blessing shop, and other large ministry gatherings. CFC Madrid continues to be our largest and most used building." (<https://www.cfconline.org/locations>) (Ex. "I").

13. As of March 9, 2019, the **Moir**a page of CFC's website stated in part:

"Started in 1996, Grace Community Church is a vibrant and lively church body in the town of Moira, NY. For 20 years, the church met on Friday nights... Over the years, Pastor Rick has traveled to Grace on a weekly basis to lead worship and preach for their services. In 2016, Grace set in their own pastor...and made a transition to a more traditional service time on Sundays." (<https://www.cfconline.org/locations>) (Ex. "I").

14. As of March 9, 2019, the **Potsdam** page of CFC's website stated in part:

“In the fall of 2011, we launched a service in Potsdam. CFC Potsdam, located in the former “Newman Center” right in the heart of downtown Potsdam....” (<https://www.cfconline.org/locations>) (Ex. “I”).

15. As of March 11, 2019, the CFC website page describing their history stated the following about CFC’s early history and the more recent history of Jamie Sinclair’s efforts to expand CFC in the Canton area:

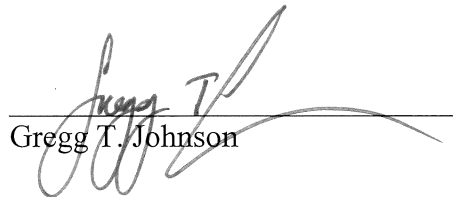
The CFC journey began in 1973...and in 1974, Lonnie moved the meetings to a rented building just outside of Ogdensburg, NY. The building, originally constructed as a chicken coop...

The Canton Launch

*In November of 2015, Jamie Sinclair was ordained as a pastor with the hopes of soon overseeing a church launch in Canton. And so, on the first weekend in May of 2016, a service was held in Canton, NY. **The Seventh Day Adventist Church graciously opened their doors and they agreed to let this congregation rent their building for as long as necessary.** (emphasis supplied) (www.cfconline.org/history) (Ex. “I”).*

WHEREFORE, Defendant respectfully requests that the Court: (a) deny Plaintiff’s motion for a mandatory injunctive relief be denied in its entirety; and (b) grant such other and further relief in Defendant’s favor as this Court deems just and proper.

Dated: March 18, 2019


Gregg T. Johnson